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intrepid band had a glorious time, what  
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## POLICE AVER RUSTON KEPT SEIZED LIQUOR

Policemen Testify Prosecu-  
tor Had Them Deliver  
It to Him.

ATTORNEY IS SILENT

Brooklyn Official Wishes to  
Avoid Hirschfeld  
Controversy.

GOT RECEIPTS FOR RUM

Witnesses Declare 'Mr. John-  
son' Gave Them Orders  
From Accused.

Large quantities of seized liquors, deliv-  
ered to him as evidence, never were  
returned to the Police Department by  
John E. Ruston, District Attorney of  
Brooklyn, patrolman of the marine divi-  
sion engaged in the confiscation of liquor  
testified yesterday before David Hirsch-  
feld, Commissioner of Accounts.

None of the other prosecutors ever  
demanded that seized liquors be deliv-  
ered to their officers, the witnesses tes-  
tified. Additional information regarding  
the alleged holding back of seized liquors  
by Ruston "will be given out for pub-  
lication at suitable intervals," Commis-  
sioner Hirschfeld said. Mr. Ruston, de-  
claring he would not be drawn into a  
controversy with Commissioner Hirsch-  
feld, declined to make a statement.

"Ten bottles of Johnny Walker whisky,  
seized on September 2, were delivered to  
Mr. Ruston's office on September 18,  
under orders from 'a Mr. Johnson,'  
Patrolman Frederick W. Graham tes-  
tified.

"I told Mr. Johnson it was irregular,"  
Graham asserted, "but he directed me  
to get the whisky from the property  
clerk in Manhattan, and I did. I got a  
receipt for it."  
"You'll carry it all right; that is the  
order from the District Attorney,"  
Graham testified Johnson said to him  
when the patrolman properly clerk to  
Ruston's office was "a long way to  
carry it."

Assistant District Attorney Snyder a  
few days later, according to Graham's  
testimony, called the patrolman and said:  
"I understand you have a complaint  
to make about this office against carry-  
ing on bottles of whisky here; that you  
are going to have your inspector take  
it up with the Police Commissioner."  
"That is true," Graham testified he  
replied. "I don't think that it is proper  
to have to bring ten bottles of whisky  
to be used in one case as long as they  
are all one kind."

"You'll bring those bottles here just  
as often as I tell you to bring them,"  
Snyder replied, according to Graham.  
District Attorney Ruston's office, as  
far as he knew, never returned any of  
the liquor delivered there, William S.  
Carlyle testified. He said that he had  
disposed of a great deal of liquor "by  
dumping" and by distributing it to  
Brooklyn hospitals.

Six bottles of a liquor seizure were  
delivered to Ruston's office on August 17,  
under orders of Mr. Johnson, Patrol-  
man Gustave Thomsen testified. He  
got a receipt for the delivery, he as-  
serted. Eight bottles of seized liquor  
were delivered to Ruston's office and  
received for by Johnson, Patrolman  
James W. Ward testified.

Patrolman Luke D. Grace testified  
that he delivered six bottles of whisky  
to Ruston's office and got a receipt for  
them.

**GOMPERS BITTERLY  
ASSAILS DAUGHTERY**

**Declares Administration Is  
Weak in Leadership.**

Samuel Gompers came from Washing-  
ton yesterday to bring the prestige of his  
position as head of the American Fed-  
eration of Labor to bear on the move-  
ment in organized labor to impeach At-  
torney-General Daugherty and nullify  
the injunction against the striking shop-  
men.

He assailed the Harding administra-  
tion, charged lack of leadership in im-  
portant political and economic problems  
and recalled the old accusation against  
the President that he voted for the Bel-  
lums in 1912.

The Central Trades and Labor Coun-  
cil, under auspices of which the Gompers  
meeting was held at Beethoven Hall,  
passed a resolution demanding the At-  
torney-General in terms similar to the  
resolutions passed in various cities, and  
pledged support in the movement for im-  
peachment. The State Federation of  
Labor at the same platform as being  
State Democratic platform as being  
"more responsive to labor" than the Re-  
publican.

## WILL OF HIS FATHER CUTS OFF GROSVENOR NICHOLAS

Importer Who Fought Mother's Last Testament An-  
nounces He Will Bring Contest of His Other  
Parent's Instrument.

Special Dispatch to THE NEW YORK HERALD.  
RIVERHEAD, Oct. 5.—Grosvenor Nichol-  
as, head of the importing firm of Gros-  
venor Nicholas & Co. of 60 Broad street,  
Manhattan, and a member of the exclu-  
sive Southampton summer colony, is dis-  
inherited by the will of his father, the  
late George S. Nicholas Sr., of 44  
Park avenue, who was senior member  
of the importing firm of G. S. Nicholas  
and Son, Ltd., 43 Beaver street, Man-  
hattan.

Mr. Nicholas died in his country home  
at West Islip on September 12, the day  
following the abandonment of a contest  
brought in the Suffolk County Surrogate  
Court by Grosvenor to set aside the will  
of his mother, Mrs. Elizabeth T. Nichol-  
as, who died at the West Islip home  
on July 29, 1921. Although a codicil to  
the will of his mother bequeathed to  
him 100 shares of stock of the Chicago  
and Northwestern Railway Company,  
valued at about \$9,500, Grosvenor al-  
leged in the objections he filed in the  
court that the will was invalid, that she  
virtually had disinherited him and his  
children. He blamed his father and  
other members of his family, declaring  
that he had influenced his mother against  
him.

The clause cutting Grosvenor off from  
sharing in his father's estate reads as  
follows: "I purposely make no provision  
for my son Grosvenor Nicholas, or his  
children because of his unfaithful conduct  
toward me for many years past."

The instrument, executed on October  
14, 1921, bequeathed all wearing apparel,  
jewelry, household stores, furniture, per-  
sonal effects, automobiles and other  
personal effects in equal shares to Eliza-  
beth T. and Virginia N. Nicholas, daugh-  
ters. The residue of the estate is to be  
divided into four equal parts and held  
in trust by the Farmers Loan and Trust  
Company.

Grosvenor Nicholas said he was not  
surprised and that it was his intention  
to contest the will.

"For some years my father and I  
were not on good terms on account of  
an imaginary wrong on his part," said  
Mr. Nicholas. "By cutting me off he  
has done the same to my children, the  
only grandchildren of my father. I  
shall contest the will, which was made  
a year before his death, on the ground  
that my father was not himself either  
at that time and in the last three or  
four years of his life. It was my  
duty to bring the will into question  
and not me."

**DAY SAYS HE WAS  
ASKED TO REMAIN**

**Resigned Prohibition Director  
Denies There Was Any Fric-  
tion With Capital.**

Ralph A. Day said yesterday his  
resignation as Prohibition Enforcement  
Director for the New York district was  
not occasioned by tension between him-  
self and authorities at Washington.

"The reason," he added, "is because  
I must devote all of my time to my  
cloak and suit business. I have been  
forced to neglect it during my eleven  
months in this capacity."

"The report that I borrowed money  
from a man with bootlegging connec-  
tions is absolutely false. The man I  
did borrow money from for my private  
business is a member of the Republican  
Club and is not connected with boot-  
legging business. I have known him  
for many years. He never has been  
in any way connected with the liquor  
business. His loan to me was perfectly  
legitimate and I have repaid him with  
interest."

"Contrary to one published report, the  
conference between Commissioner of  
Internal Revenue Blair, Roy A. Haines,  
Commissioner of Prohibition, and my-  
self had nothing to do with my per-  
sonal affairs. The private loan was not  
mentioned."

"The conference centered around the  
concentration of warehouses and other  
routine matters and the presence in  
Washington of William Hayward,  
United States District Attorney, was a  
mere coincidence. He went to Wash-  
ington on business pertaining to his de-  
partment."

Commissioner Haynes and Commis-  
sioner Blair both asked me to continue  
in office as Prohibition Enforcement  
Director for the New York district, and  
it was only after two hours of discus-  
sion that I convinced them that it was  
necessary for me to resign and devote  
all of my time to my business in-  
terests."

His successor probably will be ap-  
pointed next week, Mr. Day said. He  
would give no hint as to who would  
succeed him.

Kam-ranung from Canada by air-  
plane, Mr. Day said, is not of sufficient  
importance to worry either himself or  
officials at Washington. He said if  
transportation of liquor by air in-  
creased to any great degree, it  
would be taken to check it. Mr. Day  
declined to admit that a prohibition air  
fleet is operating in the vicinity of New  
York.

**BARRON G. COLLIER  
NEW SAFETY DIRECTOR**

**Enright Adds Him to Staff of  
Special Deputies**

Barron G. Collier of 8 East Twenty-  
fifth street was appointed Special Deputy  
Police Commissioner yesterday to have  
charge of the newly created Public Bu-  
reau of Safety. Commissioner Enright  
announced the appointment.

The Bureau of Safety hopes to make  
the city's streets more safe and cut the  
ever increasing number of street acci-  
dents. A special safety week will begin  
its campaign to reduce street casualties  
this week.

The group of New York's Special  
Deputy Police Commissioners embraces  
Dr. John A. Harries, T. Coleman du  
Pont, Edmond A. Guggenheim, Rudman  
Wanamaker and Mrs. George W. Loft.  
Mr. Collier, who was born in Nash-  
ville, Tenn., has a country home, "Over-  
look," at Pocantico Hills, near the estate  
of John D. Rockefeller Sr. He is keenly  
interested in horsemanship, yachting  
and other outdoor sports. He is a mem-  
ber of the Union League, Bankers,  
Metropolitan and New York Yacht clubs,  
a director in several banks in this  
city and is chairman of the Boy Scout  
camp at Bear Mountain, a trustee of  
Flower Hospital and numerous other  
organizations. Mr. Collier's wife is the  
former Miss Juliet G. Carnes. They  
have three sons.

**HOOVER ILL OF PTOMAIN.**

**Goes Back to Washington Instead  
of Addressing Bankers.**

A secretary to Herbert C. Hoover  
gave out the following statement last  
night in regard to the inability of the  
Secretary of Commerce to address the  
bankers' convention.

"When Mr. Hoover was about to start  
for the convention hall yesterday he  
became ill from what proved to be a  
slight attack of ptomaine poisoning. He  
retired to Will Hays's apartment on  
Park avenue, where he rested until last  
night. He felt well enough to return  
to Washington on the midnight train.  
He expected he would be at his office  
in the Department of Commerce for two  
or three days."

## SUTTON AID ADMITS FIRM HAD NO LANDS

Tells Court He Knew Pros-  
pectus Sent Out With His  
Name Was False.

Burt R. Parrott, vice-president of the  
Pacific Minerals and Chemicals Com-  
pany, the chief witness for the defense  
in the trial of Major Redondo Sutton  
before Judge Alfred J. Talley in General  
Sessions, admitted yesterday the company  
did not own any property and the pros-  
pectus sent out for investors contained  
false information.

Under questioning by Judge Talley the  
witness admitted he did not know he was  
vice-president of the company until he  
received a telegram in March of this  
year notifying him of that fact. He  
said he never discussed the supposed  
holdings of the company with Major  
Sutton or Alfred E. Lindsey.

"You knew the prospectus sent out  
contained false information?" asked  
Judge Talley.

"Yes, sir," was the reply.  
"You knew it was issued with your  
name?"

"Yes, sir," replied the witness.  
The cross-examination of Parrott failed  
to shake his direct testimony.  
Under the questioning of George Geo-  
rge Battie, his counsel, Major Sutton  
testified in his own defense. He said he  
was 32 years old and was graduated  
from West Point in 1912, resigning from  
the army in 1918 to go into business.  
He testified that when the United States  
went to war with Germany he enlisted  
and went to the armistice served in the  
embassy service at Hoboken.

Witness said he had nothing to do  
with the printing of the prospectus of  
the Pacific Minerals and Chemicals Com-  
pany and signed it without knowing what  
it contained. Later, he said, he swore  
to it, after substituting the name of A.  
L. Lindsay for that of Lycurgus Lindsay  
on the board of directors and striking  
the name of George H. C. Dunwoody.  
Sutton will be cross-examined to-day.

**COURT DECIDES TO-DAY  
—UPON STILLMAN CASE**

**Morschauer Reading 2,800  
Pages of Evidence.**

After working more than forty-eight  
hours Supreme Court Justice Mor-  
schauer completed last night his read-  
ing of the testimony and examination  
of exhibits in the divorce suit brought  
by James A. Stillman against his wife,  
Mrs. Anne Urquhart Stillman, which re-  
sulted in Referee Daniel J. Gleason de-  
claring in Mrs. Stillman's favor. Jus-  
tice Morschauer announced that he will  
hand down his decision this morning on  
the motion of counsel for Mrs. Stillman  
to confirm the report.

Ever since William Rand, as attorney  
for Mr. Stillman, filed objections to the  
report of the referee, which not alone  
throws out Mr. Stillman's divorce suit  
but decides against his charge that Fred  
Beauvais, Canadian guide, was the father  
of Baby Guy Stillman, Justice Mor-  
schauer has been working far into the  
night and most of the daytime reading  
the testimony, which covers 2,800 type-  
written pages.

Justice Morschauer locked himself in  
his chambers to-day and would see no  
callers. Frequently he had a court of-  
ficer bring him an armful of law books,  
but he refused to go to the nature of his  
actions looked from his private room.  
Once during the afternoon he hurried out  
of his chambers in his nightgown to ex-  
amine a baseball bulletin board. Then  
back he went to his chambers.

Should Justice Morschauer uphold the  
referee Mr. Stillman proposes to go to  
the Appellate Division. The question of  
fees of the referee and of John Mack,  
guardian of Baby Guy Stillman, will be  
passed upon by Justice Morschauer  
when he files his memorandum. These  
fees would have to be paid by Mr. Still-  
man, as he brought the original suit, and  
lost before the referee.

**GRAND JURY DELAYS  
LIQUOR INDICTMENTS**

**Alleged Conspirators Said to  
Number More Than Score.**

The Federal Grand Jury investigating  
alleged thefts of liquor from Govern-  
ment warehouses will delay until about  
the middle of next week the returning  
of indictments against more than a  
dozen of persons involved in the con-  
spiracy of booting liquor stocks.

The secret inquiry being conducted by  
John Holley Clark, Jr., Assistant Dis-  
trict Attorney, will continue into next  
week.

A former City Magistrate and several  
former dry agents are said to be in-  
volved in the scheme of influential  
bootleggers to steal seized liquor from  
bonded warehouses.

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## 3,500 CARS OF COAL CAN FIND NO BUYER

Anthracite Lies in Harbor Ter-  
minals, Tying Up Railway  
Carriers.

With the coal shortage in New York  
still acute, there were 3,500 open top  
freight cars filled with approximately  
140,000 tons of anthracite coal in the  
New York harbor terminals yesterday  
for which a buyer could not be found.

The coal was of three grades—luc-  
k, wheat, rice and barley, all small sizes.  
Railroad officials expressed alarm that  
the tying up of these cars might serve  
to make more acute the metropolitan  
district's fuel position.

The grades of anthracite for which  
demand has slumped are "steam sizes."  
The imports of British steam coal are  
believed to have been in sufficient quan-  
tities to satisfy all demands for the  
present. There is a rush of apartment  
house owners and industrial leaders for  
bituminous coal with which to stock  
their bins, while at the same time there  
is an adequate supply of steam grades  
of anthracite at terminals in New York  
harbor.

The railroads bearing the brunt of the  
situation include the Delaware, Lackaw-  
anna and Western, Lehigh Valley,  
Pennsylvania, Reading, Central of New  
Jersey and Erie. Operating officials said  
that because of lack of demand for  
steam coal, the larger mining companies  
had shut their washeries.

Railroad men argue that if the pub-  
lic can be brought to understand that  
all this coal is available, the accumula-  
tion can be eliminated quickly with a  
resultant increased movement of all  
kinds of anthracite, as well as greater  
general production. Figures made pub-  
lic yesterday by the car service division  
of the American Railway Association  
indicate that steady gains are being  
made in the movement of anthracite  
coal by the important carriers. On  
Tuesday of this week anthracite load-  
ings totaled 6,654 cars, an increase of  
224 over the preceding day and 203 cars  
above the daily average for October,  
1921. Bituminous loadings declined  
10,941 on Tuesday, standing at 25,047  
cars. Loading for that day were also  
2,998 cars below the daily average for  
October, last year. The slump in an-  
thrastice is explained on the ground that  
Monday's haul was lack of demand large,  
due to the accumulation of open tops  
over the week end.

**CITIES TOBACCO CONCERNS.**

Washington, Oct. 5.—The Federal  
Trade Commission in a formal complaint  
issued to-day charged the American  
Tobacco Company and nine wholesale  
tobacco dealers of Chattanooga, Tenn.,  
with unfair methods of competition in  
the maintenance of resale prices. The  
respondents will have thirty days in  
which to answer the charges, after  
which it was stated, the case would be  
tried on its merits.

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